IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5527 OF 2005

Ekhlaq Ahmed Mohammed Ayub Nagar & Anr. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.M.H.Solkar i/b Mr.H.A.Solkar for the Applicants
Ms Rajeshtree Gadhvi,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 31,2005

P.C.:

1. Heard Advocate for the Applicants and the learned A.P.P. for State. The learned Advocate for the Applicants submitted that the F.I.R. registered against the Applicants is the consequence of the dispute going on between two groups relating management of Shaikh Usman Education Society. He submitted that on plain reading of the F.I.R., it is apparent that the same is registered only with the object of harassing the Applicants. The learned A.P.P. has placed on record for my perusal the investigation papers.

2. F.I.R. itself discloses that there is a dispute between the first informant and the father of the Applicant No.1 regarding management of Shaikh Usman Education Society. The first informant has stated in the complaint that he was the Vice President of the Society and the father of the Applicant No.1 was removed from the post of the Chairman. F.I.R. itself discloses that number of proceedings are pending in

this Court, in the Civil Courts and with the Deputy Director of Education, Nashik. On plain reading of the investigation papers it appears that the F.I.R. is the outcome of dispute between the two groups relating to management of an Education Society. Considering the material collected during the investigation, it is obvious that custodial interrogation of the Applicants is not required. However, the Applicants will have to attend the concerned police station and co-operate for the purposes of investigation.

3. Hence I pass the following order :

i) In the event of the arrest of the Applicant in connection with C.R.No.60/2005 registered with Malegaon City Police Station, Nashik the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rupees ten thousand only) each with one or two local sureties each in the like amount.

ii) The Bail is granted subject to condition that the Applicants will attend the concerned Police Station as and when called upon to do so till filing of the charge sheet and will cooperate for the purposes of investigation.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/investigating agency. The Applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicants only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE